

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

THE WESTERN AND SOUTHERN LIFE : CASE NO: 1:11CV667
INSURANCE COMPANY, et al., :
Plaintiffs, : (Judge S. Arthur Spiegel)
:
v. :
UNOPPOSED MOTION OF
BANK OF AMERICA, N.A., et al., : **DEFENDANTS BANK OF AMERICA,**
Defendants. : **N.A., BANC OF AMERICA FUNDING**
: **CORPORATION, BANC OF AMERICA**
: **MORTGAGE SECURITIES, INC., AND**
: **BANC OF AMERICA SECURITIES LLC**
FOR A STAY OF THE DEADLINE TO
RESPOND TO THE COMPLAINT

Pursuant to Fed. R. Civ. P. 6(b) and S.D. Ohio Civ. R. 6.1(a), Defendants Bank of America, N.A., Banc of America Funding Corporation, Banc of America Mortgage Securities, Inc., and Banc of America Securities LLC (collectively, "Bank of America") move, without opposition, for an Order staying the deadline to answer, move to dismiss, or otherwise respond to Plaintiffs' Complaint.

Respectfully submitted,

/s/ Charles J. Faruki

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Mortgage Securities, Inc., and Banc of

America Securities LLC

MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION OF DEFENDANTS BANK OF AMERICA, N.A., BANC OF AMERICA FUNDING CORPORATION, BANC OF AMERICA MORTGAGE SECURITIES, INC., AND BANC OF AMERICA SECURITIES LLC FOR A STAY OF THE DEADLINE TO RESPOND TO THE COMPLAINT

Pursuant to Fed. R. Civ. P. 6(b) and S.D. Ohio Civ. R. 6.1(a), Defendants Bank of America, N.A., Banc of America Funding Corporation, Banc of America Mortgage Securities, Inc., and Banc of America Securities LLC (collectively, "Bank of America") move, without opposition, for an Order staying the deadline to answer, move to dismiss, or otherwise respond to the Complaint.

On September 26, 2011, Bank of America removed this action from the Court of Common Pleas of Hamilton County [Dkt. No. 1]. On October 25, 2011, Plaintiffs moved to remand this action to the Court of Common Pleas of Hamilton County [Dkt. No. 7]. Briefing related to Plaintiffs' motion to remand is presently ongoing.

Counsel for Bank of America have consulted Plaintiffs' counsel, and Plaintiffs and Bank of America have agreed to stay Bank of America's deadline to answer, move to dismiss, or otherwise respond to the Complaint until after the Court's resolution of Plaintiffs' motion to remand. Immediately upon the Court's resolutions of the motion to remand, Plaintiffs and Bank of America will meet and confer regarding a schedule for Bank of America to respond to the Complaint.

Respectfully submitted,

/s/ Charles J. Faruki

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CERTIFICATE OF SERVICE

I certify that on November 17, 2011, I electronically filed the foregoing Unopposed Motion of Defendants Bank of America, N.A., Banc of America Funding Corporation, Banc of America Mortgage Securities, Inc., and Banc of America Securities LLC for a Stay of the Deadline to Respond to the Complaint with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to CM/ECF participants:

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